

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BLAKE BOX d/b/a BLAKE BOX
COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 3:08-CV-1010-O

DALLAS MEXICAN CONSULATE
GENERAL,

Defendant.

**DALLAS MEXICAN CONSULATE GENERAL'S NOTICE OF THE UNITED STATES
SUPREME COURT'S REQUEST FOR RESPONSE TO PETITION FOR WRIT OF
CERTIORARI**

The Dallas Mexican Consulate General (the “Consulate”) files this notice to advise the court of recent events in the United States Supreme Court related to this matter.

By way of background, Plaintiff filed a Notice of Filing Proposed Order (the “Notice”) in this court on December 23, 2015. Dkt. No. 120. The Consulate opposed that filing, preserving its challenges to the court’s jurisdiction over it and informing the court that it had filed a Petition for Writ of Certiorari in the United States Supreme Court (the “Petition”). Dkt. No. 121.

Subsequently, on January 27, 2016, Box filed an express waiver of his right to file a response in opposition to the Petition, and the Petition was therefore distributed for the Supreme Court’s Conference on February 26, 2016. *See* Ex. A, Supreme Court Docket Sheet. The Supreme Court did not wait for conference to act upon the Petition. Rather, on February 18, 2016, the Court requested that Box file a response to the Petition. That response is currently due March 21, 2016, and under Supreme Court Rule 15, the Consulate’s reply in support of the Petition will be due on April 4, 2016. The Petition will be re-circulated to the Supreme Court

once briefing is complete.

The overwhelming majority of petitions to the U.S. Supreme Court are denied without response. Considering the Supreme Court's request for a response, which reflects express interest in the jurisdictional issues raised in the Petition, the Consulate respectfully submits that any further action in this court before the Petition is resolved could result in a waste of the court's and both parties' resources. Accordingly, the Consulate respectfully encourages the court to defer any final ruling in this matter until the Petition has been resolved.

Respectfully submitted,

/s/ Debra J. McComas
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**ATTORNEYS FOR DEFENDANT
DALLAS MEXICAN CONSULATE
GENERAL**

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served on the following attorneys of record to the above cause in accordance with the Federal Rules of Civil Procedure on the 24th day of February, 2016:

Edward Jason Dennis
Samuel B. Hardy, IV
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/s/ Debra J. McComas
Debra J. McComas

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No. 15-831

Title: Dallas Mexican Consulate General, Petitioner
v.
Blake Box, dba Blake Box Company

Docketed: December 28, 2015

Lower Ct: United States Court of Appeals for the Fifth Circuit

Case Nos.: (14-10744, 14-10953)

Decision Date: August 19, 2015

Rehearing
Denied: September 24, 2015

~~~Date~~~ ~~~~~Proceedings and Orders~~~~~

Dec 23 2015 Petition for a writ of certiorari filed. (Response due January 27, 2016)

Jan 27 2016 Waiver of right of respondent Blake Box, dba Blake Box Company to respond filed.

Feb 10 2016 DISTRIBUTED for Conference of February 26, 2016.

Feb 18 2016 Response Requested . (Due March 21, 2016)

~~Name~~~~~ ~~~~~Address~~~~~ ~~Phone~~~

**Attorneys for Petitioner:**

Debra J. McComas

Haynes and Boone, LLP

(214) 651-5000

**Exhibit A**

Counsel of Record

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Party name: Dallas Mexican Consulate General

**Attorneys for Respondent:**

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Party name: Blake Box, dba Blake Box Company

February 19, 2016 | Version 2014.1

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**Supreme Court of the United States**